

**REGULATIONS OF THE
WASHINGTON STATE BOARD OF CONTINUING LEGAL
EDUCATION**

Approved as Amended by the Board of Governors and Supreme Court

Regulation 101. Definitions

As used in these Regulations, the following definitions shall apply:

- (a) "Legal education" shall mean training obtained by lawyers already admitted to practice that maintains or enhances their competence as lawyers. It is recognized that education is important to lawyers. However, not all education is *legal* education within the meaning of these rules.
- (b) "Approved" or accredited legal education activity shall mean an individual seminar, course or other continuing legal education activity approved by the Washington State Board of Continuing Legal Education (Continuing Legal Education Board).
- (c) "Active member" shall mean any person licensed to practice law in the state of Washington as an active member of the Washington State Bar Association.
- (d) "Accredited sponsor" shall mean an organization whose entire continuing legal education program has been accredited by the Washington State Board of Continuing Legal Education, pursuant to Regulation 106 herein. A specific, individual continuing legal education activity presented by such a sponsor constitutes an "approved" legal education activity.
- (e) "CLE Board" shall mean the Washington State Board of Continuing Legal Education.
- (f) "Quorum" of the CLE Board shall consist of four (4) or more members of the Board.
- (g) "Chairperson" shall mean the chairperson of the CLE Board, *except where other usage of that term is indicated*.
- (h) "Executive Secretary" shall mean the executive secretary of the CLE Board.
- (i) "APR 11" shall mean Admission to Practice Rule 11, together with any subsequent amendments thereto, as adopted by the Supreme Court of the State of Washington.
- (j) "Teaching" in an approved continuing legal education activity shall mean and encompass the delivery of a prepared talk, lecture or address at such activity.
- (k) "Participating" in an approved continuing legal education activity shall mean and encompass taking part in such activity as a member of a panel

discussion, without the preparation of written materials or the delivery of a prepared talk, lecture or address.

- (l) "Attending" an approved continuing legal education activity shall include and encompass:
 - (1) Presence in an audience of two or more persons being addressed by participants in an approved continuing legal education activity, and
 - (2) Viewing or listening individually to video or audio tapes, CD-ROM, motion pictures, simultaneous broadcast or other such systems or devices approved by the CLE Board.
- (m) "Groups 1, 2, and 3": the active members of the bar shall be divided into three groups. Group 1 shall be those admitted through 1975 and in 1991, 1994, 1997, 2000. Group 2 shall be those admitted 1976 through 1983, and in 1992, 1995, 1998. Group 3 shall be those admitted 1984 through 1990 and in 1993, 1996, 1999. Members shall continue to be assigned to Groups upon admission in the same consecutive manner.
- (n) "Professionalism" is no more, and no less, than conducting one's self at all times in such a manner as to demonstrate complete candor, honesty, courtesy and avoidance of unnecessary conflict in all relationships with clients, associates, courts and the general public. It is the personification of the accepted standard of conduct that a lawyer's word is his or her bond. It includes respectful behavior towards others, including sensitivity to substance abuse prevention, anti-bias or diversity concerns. It encompasses the fundamental belief that a lawyer's primary obligation is to serve his or her clients' interests faithfully and completely, with compensation only a secondary concern, acknowledging the need for a balance between the role of advocate and the role of an officer of the court, and with ultimate justice at a reasonable cost as the final goal. The area of professionalism shall include the issues of and training in diversity, anti-bias, and substance abuse training in order to improve public confidence in the legal profession and to make lawyers more aware of their ethical and professional responsibilities.
- (o) "Ethics" shall include discussion, analysis, interpretation, or application of the Rules of Professional Conduct, Rules for Enforcement of Lawyer Conduct, Code of Judicial Conduct, judicial decisions interpreting these rules, and ethics opinions published by bar associations relating to these rules, as well as the general subject of standards of professional conduct expected of lawyers acting in the representation of clients and in the public interest.
- (p) "Practicing law," for the purpose of this rule, is defined as the representation of one or more clients under the authority of a license to practice law in the state of Washington.

[Regulation 101 amended effective May 2, 2000; October 1, 2002.]

1 **Regulation 102. Continuing Legal Education Requirement**

2 (a) As provided for in APR 11.2, each active member shall complete a
3 minimum of 45 credit hours of approved legal education every three years.
4 At least six of the 45 continuing legal education credit hours required
5 during the reporting period shall be devoted exclusively to the areas of
6 legal ethics, professionalism, or professional responsibility. If an active
 member completes more than 45 credits during a three-year reporting
 period, 15 of the excess credits may be carried forward and applied to that
 member's education requirement for the next reporting period. The fifteen
 credit hours that may be carried forward may include two credit hours
 toward the legal ethics, professionalism, or professional responsibility
 requirement.

7 (b) **Ethics/Professionalism Requirement.** As provided for in APR 11.2(c)

8 (c) All active members shall complete and report a minimum of six credit
9 hours of approved or accredited legal ethics, professionalism, or
10 professional responsibility continuing education for the reporting period
11 terminating on December 31, 1998 and for each reporting period
 thereafter.

12 [Regulation 102 adopted effective July 26, 1995; amended effective May 2,
13 2000.]

14 **Regulation 103. Credits: Computation**

15 (a) Continuing legal education credit may be obtained by attending, or
16 teaching or participating in, continuing legal education activities which
17 have been (1) approved by the CLE Board, (2) afforded retroactive
18 approval by the CLE Board pursuant to APR 11 and these Regulations, or
19 (3) conducted by an accredited sponsor, as set forth herein.

20 (b) Credit shall be awarded on the basis of one (1) hour for each sixty (60)
21 minutes actually spent by a member in attendance at an approved activity.
22 Otherwise stated, a "credit hour" equals one (1) clock hour of actual
23 attendance.

24 (c) Meals and Banquets. Credit may not be denied merely because
25 continuing legal education activities are presented at a meal or banquet.

26 (d) **Teaching or participating.** Credit toward the continuing legal education
27 requirement set forth in APR 11.2(a) and Regulation 102 may be earned
28 through teaching or participating in an approved continuing legal
29 education activity on the following basis:

30 (1) An active member teaching in an approved activity shall receive credit
31 on the basis of one credit for each sixty (60) minutes actually spent by
32 such member in attendance at and teaching in presentation of such
33 activity. Additionally, an active member teaching in such an activity
34 shall also be awarded further credit on the basis of one credit hour for
35 each sixty (60) minutes actually spent in preparation time, *provided*

1 that in no event shall more than ten (10) hours of credit be awarded for
2 the preparation of one hour or less of actual presentation.

3
4 EXAMPLES: Attorney X, an active member, gives a one
5 hour lecture presentation at a six (6) credit hour seminar
6 presented in each of three cities. Attorney X is entitled to
7 one credit hour for each sixty (60) minutes of actual
8 attendance and teaching at presentation of the seminar. In
9 addition, attorney X may be awarded up to ten (10)
10 additional credits for time spent in preparation. Accordingly,
11 Attorney X, if he attends and teaches in an entire
12 presentation of the seminar, may claim a total of sixteen (16)
13 credits maximum for his involvement in the three-city series
14 of seminars.

15 Attorney Y, an active member, gives a two (2) hour lecture at
16 the same seminar. Attorney Y is entitled to one credit hour
17 for each sixty (60) minutes of actual attendance and
18 teaching at presentation of the seminar. In addition,
19 Attorney Y may be awarded up to twenty (20) additional
20 credits for time spent in preparation. Accordingly, Attorney
21 Y, if he attends and teaches in an entire presentation of the
22 seminar, may claim a total of twenty-six (26) credits
23 maximum for his involvement in the three-city series of
24 seminars.

- 25 (2) An active member participating in an approved activity shall receive
26 credit on the basis of one credit hour for each sixty (60) minutes
27 actually spent by such member in attendance at presentation of such
28 activity. Additionally, an active member participating in such an activity
29 shall also be awarded further credit on the basis of one hour for each
30 sixty (60) minutes actually spent in preparation time, *provided* that in
31 no event shall more than five (5) hours of credit be awarded for such
32 preparation time in any one such continuing legal education activity.

33 EXAMPLE: Attorney Z, an active member, participates in a
34 one hour panel discussion at a six (6) credit hour seminar
35 presented in each of three cities. Attorney Z is entitled to one
36 credit hour for each sixty (60) minutes of actual attendance
37 at presentation of the seminar. In addition, Attorney Z may
38 be awarded additional credits for preparation time for the
39 panel discussion. Accordingly, Attorney Z, if he actually
40 attends an entire presentation of the seminar, may claim a
41 total of eleven (11) credits maximum for his involvement in
42 the three-city series of seminars.

- 43 (e) **Law School Courses.** Credit under the provisions of APR 11 shall be
44 computed on the basis of one (1) credit for each clock hour of instructed
45 law school class time actually attended up to a maximum of 15.00 hours
46 per course. For example, under this formula an active member who

1 actually attends 30 hours of instruction in a law school course may claim
2 a maximum of 15.00 hours of credit under APR 11, with the remaining
3 15.00 hours being inapplicable toward the requirement and not capable of
4 being carried over to the next reporting period. However, an active
5 member attending two separate courses may earn a maximum of 15.00
6 hours of credit per course and in such instance may carry the excess
7 15.00 hours of credit over to the next reporting period.

8 An active member taking such a course shall arrange with the instructor
9 for verification of the active member's actual attendance at the various
10 sessions of the course and for the reporting of such attendance to the
11 Board.

12 Success on any examination given in connection with such a course is not
13 a prerequisite to obtaining CLE credit for attendance at the a course under
14 the provisions of APR 11.

15 (f) An active member shall receive a maximum of one-third of the continuing
16 legal education required under APR 11.2(a) through self-study credits or
17 audio/videotaped instruction (defined in Regulations Section 104(b)(1)).

18 (g) **Pro Bono Legal Services:** A member may earn up to six (6) hours
19 of credit annually by certifying that the member has fulfilled the following
20 requirements under the auspices of a qualified legal services provider:

21 (1) Each attorney seeking CLE credit will have received at least two (2)
22 hours of education, under the auspices of a qualified legal services
23 provider, which may consist of:

- 24 (i) not less than two (2) hours of training with live presentation(s); or
25 (ii) not less than two (2) hours viewing or listening individually to video
26 or audio tapes approved by the CLE Board; or
27 (iii) any combination of the foregoing training; or
28 (iv) serving as a mentor to a participating attorney who has completed
29 the foregoing training; and

30 (2) Each attorney seeking CLE credit also will have subsequently
31 completed not less than four (4) hours of pro bono work in providing legal
32 advice, representation, or other legal assistance to low-income client(s)
33 through a qualified legal services provider or in serving as a mentor to
34 other participating attorney(s) who are providing such advice,
35 representation, or assistance.

36 [Regulation 103 amended effective May 2, 2000; August 3, 2004.]

37 (h) **Law Competitions.** Credit may be earned for preparing Law School
38 students for and judging law competitions, mock trials and moot court
39 arguments. Ethics and professionalism credit hours are not available for
40 participation in this type of CLE activity. CLE credit hours are not
41 available for grading written briefs or other written papers in connection
42 with this type of CLE activity. No additional credit may be earned for
43 preparation time. The sponsor of the CLE activity is responsible for
44 issuing appropriate certification documenting the name of the attorney,

1 name, date and location of the course or program and the number of CLE
2 credit hours earned.

3 (1) Law School Competitions: One (1) credit hour may be earned for each
4 sixty (60) minutes of participation in an ABA accredited law school
5 competition provided that the law school training activity is structured
6 to require that the "judge" provide specific performance review
7 feedback to each student participant. The performance review must
8 conform to a predetermined "feedback process" to be established and
9 agreed upon by the Law School and the participating attorney through
10 a prior-to-the-activity communication (e.g. watching a videotape,
11 reviewing a written outline for points to be covered by the "judge", etc.).
12 The educational elements must be structured into the competition and
13 must be consistent with Regulation 104.

14 (2) A Maximum of six (6) CLE credit hours may be earned for participation
15 in this type of CLE activity during any one reporting cycle.

16 **Regulation 104. Standards for Approval**

17 (a) **Basis for approval of courses.** Courses will be approved based upon
18 their content. An approved course shall have significant intellectual or
19 practical content relating to the practice of law. In evaluating content,
20 course presenters and audience may be considered but those will not be
21 the principal criteria for approval. Courses involving federal or state
22 taxation issues, arbitration or alternative dispute resolution, as examples,
23 may appeal to persons from disciplines other than law, but may still be
24 approved courses.

25 (1) Definition. The course shall constitute an organized program of
26 learning dealing with matter directly relating to the practice of law,
27 legal ethics, or professionalism, including anti-bias and diversity
28 training, and substance abuse prevention training.

29 (2) Factors in evaluating. Factors which should be considered in
30 evaluating a course include:

31 (i) The topic, depth, and skill level of the material.

32 (ii) The level of practical or academic experience or expertise of the
33 presenters or faculty.

34 (iii) The intended audience.

35 (iv) The quality of the written, electronic, or presentation materials,
36 which should be high quality, readable, carefully prepared and
37 distributed to all attendees at or before the course is presented. In
38 some cases, written material may not be necessary, but that is the
39 exception and not the rule.

40 (v) The physical setting is suitable to the educational activity, free from
41 unscheduled interruption, and should include a writing surface
42 where feasible.

1 (b) **Basis for approval of activities.** Credit will also be given for certain
2 activities which are not approved courses. The following activities will
3 qualify for continuing legal education credit, subject to the restrictions set
4 forth below.

5 (1) Self-Study Credits. Attorneys may receive credit by watching or
6 listening to video or audio tapes, CD-ROM, motion pictures,
7 simultaneous broadcast, electronic or other such systems or devices
8 approved by the CLE Board or by engaging on computer-assisted legal
9 study programs, which meet the content requirements of (a), above.

10 (i) To claim CLE credits earned through self-study, attorneys are
11 required to report on their CLE Certification the number of credits
12 for which the tape, CD-ROM, motion pictures, electronic or other
13 such systems or devices, or computer assisted self-study program
14 was approved, the sponsor, the title of the seminar or program, and
15 the date the seminar or program was originally recorded or, in the
16 case of computer assisted self-study programs, its most recent
17 edition year. By signing the CLE Certification, attorneys will declare
18 that they have not violated any copyright laws in earning credits
19 reported in the Certification.

20 (ii) Sponsors are required to affix on the outside of each audio or video
21 tape, CD-ROM, motion pictures, electronic or other such systems
22 or devices approved for credit by the Board, the name of the
23 sponsor, the name of the program, the date originally recorded, the
24 length of the tape in hours and minutes and the number of credits
25 for which it has been approved. Computer assisted self-study
26 programs are not subject to this provision.

27 (iii) Sponsors are not required to submit copies of audio or video tape,
28 CD-ROM, motion pictures, electronic or other such systems or
29 devices with applications for approval. The CLE Board, however,
30 reserves the right to obtain on demand a copy of any tape,
31 CD-ROM, motion pictures, electronic or other such systems or
32 devices, submitted for approval.

33 (iv) If a live seminar is approved by the Board, the video or audio tape
34 or electronic version of that seminar is deemed approved without
35 the sponsor submitting a second application for approval. Written
36 materials distributed at the live seminar must also be distributed
37 with the taped or electronic seminar.

38 (v) Regulation 104(a) regarding the distribution of written materials
39 applies to taped or electronic seminars as well as live seminars. It
40 does not necessarily apply to computer assisted self-study
41 programs.

42 (vi) As a general rule, the accreditation of all tapes, except skills
43 training tapes, expires five years after the date the tape was
44 originally recorded.

1 (2) Attendance at courses that have not applied for or received approval
2 as courses. Applicants may receive individual approval for attendance
at a course which would have been approved if the sponsor had
applied for credit by submitting Form 1.

3 (3) Nexus credit. Attending or teaching at a course where there is a
4 substantial relationship to the lawyer's field of practice and the lawyer
demonstrates that the topic, depth, and skill level will improve the
5 lawyer's competence to practice law. A course which does not directly
deal with the practice of law, such as a medical course, a child abuse
6 program or some similar offering, may not qualify for approval of a
course under Regulation 104(a). Individual attorneys who practice in
7 those areas will have a direct benefit from attending such a course,
however. Upon a showing of nexus between an individual's law
practice and such a course. CLE credit may be given to that individual
attorney even though the course itself does not qualify for credit.

8 (4) Writing and Editing Activities. Credit for writing and editing activities
9 may be granted on a case by case basis under the condition that prior
approval is secured and the writing or editing in question meets the
10 standards of Regulation 104(a), and that it is actually published for the
education of the Bar by an entity recognized in the legal community as
a publisher of legal works. Writing or editing for or on behalf of a client
11 or prospective client, for marketing purposes, or in the course of the
regular practice of law, is not eligible for credit. See Regulation
104(d)(3). Credit for writing or editing activities shall be granted
12 sparingly, and only on a case by case basis. In appropriate
circumstances, the CLE Board may waive the prior approval
13 requirement and grant credit retroactively if the quality standards are
met. The CLE Board may also waive the prior approval requirement
14 where the publisher has demonstrated uniform adherence to the
Standards of 104(a). Writers or editors, whose work has been
15 approved, may claim up to a maximum of 10.00 CLE credit hours. The
number of actual hours claimed should be based on the number of
16 hours spent in preparing the material, but in no case may more than
10.00 credit hours be claimed.

17 (c) **Examples of courses or activities that may qualify for credit.**

18 (1) Attending or participating in programs that deal with the problems of
running a law office may be approved. In particular, docket control,
19 malpractice avoidance, and education on substance abuse by lawyers
or assistants will qualify for approval. Programs that are designed to
improve an attorney's communication skills with his or her clients and
20 improve the attorney-client relationship will be approved.

21 (2) Courses or self study programs on how to conduct electronic legal
research may be approved subject to the other provisions of these
regulations.

22 (3) Alternate dispute resolution courses may be approved subject to the
23 other provisions of these regulations.

- (4) CLE credit will be given for attending law school courses, including courses offered at the J.D. or advanced education levels based upon the actual hours of attendance. Applicants need not take exams to qualify for credit, but must otherwise comply with the applicable regulations of the law school or university involved. Credit for teaching law school courses by full-time teachers will not qualify for credit. However, for the first preparation leading to the teaching of a specific law school course by an adjunct (not a full-time) professor, credit will be given on the basis of ten hours of credit for each hour of preparation time, and one credit will be given for each hour of class presentation time to a maximum of 15 credit hours each year.
- (5) Credit will not be given for attending bar review/refresher courses offered in preparation for the Washington State Bar examination, but credit may be given for attending bar review/refresher course offered in jurisdictions other than Washington, on the basis of 1.00 credit for each classroom hour of instruction or audio/videotaped instruction.
- (6) Programs outside the United States may be given credit, subject to the following provisions.
- (i) Seminars concerning laws of jurisdictions outside the United States can qualify for CLE credit. It is not necessary to return to the United States or to Washington State in order to obtain CLE credits.
 - (ii) In recognition of the potential unavailability, in certain geographical areas, or courses and programs meeting the criteria of Regulation 104, the CLE Board, or its Executive Secretary, may grant approval of courses, offered in such areas, which do not fully meet the standards of Regulation 104 and which, accordingly, would not be approved if offered within the United States. Decisions relative to the approval of such courses are within the discretion of the CLE Board, which shall, among other things, consider the availability of programs in the area involved and the good faith attempts of the member affected to comply with the requirements of APR 11.
 - (iii) If the foreign location is very remote and removed from reasonable opportunities for attendance at live CLE programs, it is possible to fully comply with CLE requirements by viewing videotapes, listening to audiotapes or by attending informal CLE programs developed and presented by lawyers in the foreign jurisdiction, with approval of the CLE Board. Under any of these circumstances, CLE credits may be awarded on the basis of 1.00 credit per hour. Applications should be made in advance of the activity in question, in order to confirm that CLE credit is available, prior to the commitment of time and resources to the activity.
 - (iv) CLE credit may be given for attending law school courses, including courses offered at the J.D. or advanced education levels based upon actual hours of attendance. Applicants need not take exams to qualify for credit, but must otherwise comply with the applicable regulations of the law school or university involved.

1 (d) **The following activities will not qualify for credit:**

2 (1) Teaching a legal subject to non-lawyers in an activity or course that
3 would Not qualify those attending for CLE credit.

4 (2) Programs that are primarily designed to teach attorneys how to
5 improve market share, attract clients or increase profits will not be
6 approved, nor will programs primarily designed to be a sales vehicle
7 for a service or product. While a company which provides services or
8 products to the legal community may wish to participate in or sponsor
9 law office management seminars, those courses will be approved for
10 credit only if there is no discussion or literature promoting that
11 company, other than the biographical material about the speakers, or
12 there is equal treatment in discussion and written materials of alternate
13 vendors of the particular product or service, and the written material
14 does not include prepared promotional literature.

15 (3) Writing for or on behalf of a client, or for the regular practice of law.

16 (4) As a reward for meritorious legal work, such as pro bono work, except
17 as provided in Reg. 103(g).

18 (5) Jury duty.

19 (6) Programs to enhance a person's ability to present or prepare a
20 continuing education program will not be approved.

21 (e) **Private law firm education.** In addition to compliance with the
22 requirements of Regulation 104(a) and the limitations described below,
23 private law firm courses may be approved for credit under the provisions
24 of APR 11 on the following bases:

25 (1) Approval of such courses may be granted only on a case by case
26 basis. Accredited sponsor status (as set forth in Regulation 106) will not
27 be available for private law firm sponsors. The CLE Board may,
28 however, consider the sponsoring organization's experience in
29 presenting similar programs.

30 (2) A complete course schedule with time allocations must be submitted in
31 advance. High quality written materials are required and should be
32 distributed to all attendees at or before the time the course is
33 presented. A critique form or evaluation sheet and an attendance
34 sheet which attendees will complete must be submitted to the CLE
35 Board within 30 days after the program.

36 (3) The course must be attended by five (5) or more lawyers admitted to
37 any Bar Association, excluding the instructors.

38 (4) Private law firm courses shall be open to non-members of the
39 sponsoring firm provided that there is space available.

40 (5) Marketing of the private law firm in any manner is not permitted
41 including but not limited to the display of brochures, pamphlets or other

1 firm advertising. Approval for credit may be denied or withdrawn if the
2 program material is presented in such a way that it is necessary for a
3 particular firm to be retained or associated in order to adequately
handle the type of matter being discussed. Persons or organizations
may not state or imply that the CLE Board approves or endorses any
person or organization.

4 (f) **Governmental Agencies.** In addition to compliance with the
5 requirements of Regulation 104(a) and the limitations described below, the
6 courses of federal, state, local, and military agencies or organizations may
be approved for credit under the provisions of APR 11 on the following
bases:

7 (1) Approval of such courses may be granted only on a case by case
8 basis. Accredited sponsor status (as set forth in Regulation 106) will
not be available for governmental agencies. The Board may,
however, consider the sponsoring organization's experience in
presenting similar programs.

9 (2) A complete course schedule with time allocations must be submitted in
10 advance. High quality written materials are required and should be
distributed to all attendees at or before the time the course is
11 presented. A critique form or evaluation sheet and an attendance
sheet which attendees will complete must be submitted to the CLE
Board within 30 days after the program.

12 (3) The course must be attended by five (5) or more lawyers admitted to
any Bar Association, excluding the instructors.

13 (4) Governmental agency courses may be open or closed to nonmembers
14 of the governmental agency or organization, provided that notice of
them will be published on the WSBA web page, and that any written
materials are available to any inquirer.

15 [Regulation 104 adopted effective July 26, 1995; amended effective May 2,
16 2000; July 11, 2000; March 30, 2004.]

17 **Regulation 105. Procedure for Approval of Continuing Legal Education
Activities**

18 (a) An active member or sponsoring organization desiring approval of a
19 continuing legal education activity shall submit to the CLE Board all
information called for by Form No. 1.

20 (b) Approval shall be granted or denied in accordance with the provisions
of Regulation 108 herein.

21 (c) As to a course that has been approved within the last twelve months,
22 the sponsoring organization may announce, in informational brochures
and/or registration materials: "This course has been approved for
_____ hours of Washington MCLE credit, including _____ hours of
23 ethics/professionalism credit."
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1 (d) The CLE Board may establish and assess sponsoring
2 organizations or individuals a fee for the purpose of defraying the costs of
3 processing applications for accreditation of courses submitted for CLE
4 credit, such fee to be established from time to time by the CLE Board and
5 approved by the Board of Governors.
6 [Regulation 105 amended effective May 2, 2000.]

7 **Regulation 106. Accreditation of Sponsoring Organizations**

8 (a) The CLE Board may extend approval to a sponsoring organization
9 for all of the continuing legal education activities sponsored by such
10 organization which conform to Regulation 104. A sponsoring agency to
11 which such general approval has been extended shall be known as an
12 "accredited sponsor".

13 (b) A sponsoring organization desiring to apply for status as an
14 accredited sponsor shall submit to the CLE Board all information called for
15 in the form required by the Board. Accreditation shall be granted or denied
16 in accordance with the provisions of Regulation 108. A primary
17 consideration in the evaluation of such a request for status as an
18 accredited sponsor shall be the previous experience of the organization in
19 sponsoring and presenting continuing legal education activities. A
20 reasonable fee may be assessed by the CLE Board, with approval of the
21 Board of Governors, with regard to the application. A private law firm shall
22 not qualify for accredited sponsor status.

23 (c) Once a sponsoring organization has been granted the status of an
24 accredited sponsor, it is not required to seek approval for individual
25 educational activities sponsored while an accredited sponsor. It shall be
26 responsible for calculating the number of credit hours to be awarded and
27 reporting those determinations to the CLE Board in such manner as the
28 CLE Board determines. Accredited sponsors are entitled to include in any
29 materials which promote such activity, language that indicates the activity
30 has been approved for Washington State MCLE credit in the amount of
31 ____ hours (of which ____ hours will apply to ethics credit requirements).

32 (d) A sponsoring organization which has been granted the status of an
33 accredited sponsor shall, except as otherwise provided in this Regulation
34 106, continue to be subject to and governed by all provisions of APR 11
35 and these Regulations.

36 (e) A sponsoring organization which has been granted the status of
37 accredited sponsor shall provide the CLE Board at least yearly with a list
38 of all its course offerings, identifying the number attorneys and
39 non-attorneys attending each program, and such additional information as
40 the CLE Board may require. The sponsoring organization shall also solicit
41 critiques or evaluations from participants at each program, retain copies,
42 and provide them to the CLE Board upon request. The CLE Board may,
43 upon review of such information, advise the organization that its manner of
44 compliance is improper, and may terminate the organization's status as an
45 accredited sponsor for future offerings.

46 [Regulation 106 amended effective May 2, 2000.]

1 **Regulation 107. Delegation**

2 (a) To facilitate the orderly and prompt administration of APR 11 and
3 these Regulations, and to expedite the processes of, inter alia, course
4 approval, sponsor accreditation and the interpretation of these
5 Regulations, the Executive Secretary may act on behalf of the CLE Board,
6 pursuant to delegated authority from the Board, under APR 11 and these
7 Regulations. Any adverse determinations and all questions of
8 interpretation of these Regulations or APR 11 by the Executive Secretary
9 shall be subject to review by the CLE Board upon written application by
10 the person adversely affected.

11 (b) The CLE Board may organize itself into committees for the purpose
12 of considering and deciding matters arising under APR 11 and these
13 Regulations.

14 [Regulation 107 amended effective May 2, 2000.]

15 **Regulation 108. Executive Secretary's Determinations and Review**

16 (a) Pursuant to guidelines established by the CLE Board, the Executive
17 Secretary shall, in response to written requests for approval of courses or
18 accreditation of sponsors, awarding of credit for attending, teaching or
19 participating in approved courses, writing and editing, waivers, extensions
20 of time deadlines and interpretations of these Regulations, make a written
21 response describing the action taken. The Executive Secretary may seek
22 a determination of the Board before making such response. At each
23 meeting of the CLE Board the Executive Secretary shall report on all
24 determinations made since the last meeting of the CLE Board.

25 (b) The CLE Board shall review any appeals of adverse determinations
26 made by the Executive Secretary or his or her delegate. The active
27 member or the sponsoring organization affected may present information
28 to the CLE Board in writing or in person or both. If the CLE Board finds
29 that the Executive Secretary has incorrectly interpreted the facts, the
30 provisions of APR 11, or the provisions of these Regulations, it may take
31 such action as may be appropriate. The CLE Board shall advise the
32 active member or sponsoring organization affected of its findings and any
33 action taken.

34 [Regulation 108 amended effective May 2, 2000.]

35 **Regulation 109. Submission of Information _ Credit for Teaching or
36 Participating**

37 An active member who seeks credit for teaching or participating in an
38 approved continuing legal education activity shall report additional credits
39 pursuant to Regulation 103(d) in the member's CLE certification every
40 three years.

41 [Regulation 109 amended effective May 2, 2000.]

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1 **Regulation 110. Exemptions, Waivers, Modifications**

2 (a) As a general proposition, all active members of the Bar Association
3 are required to comply with the provisions of APR 11. The alternative to
4 compliance is transfer to inactive status. The CLE Board may grant
5 extensions, waivers or modifications of the time deadlines or education
6 requirements specified in APR 11 and these Regulations Applications for
7 extensions, waivers or modifications shall be made in writing and
8 supported by a sworn statement in the form of an affidavit or declaration.

9 (b) **Undue Hardship, Age, Practice or Disability.** Exemptions from
10 the continuing legal education requirement, or waiver, or modification of
11 such requirement, based upon undue hardship, age or disability should be
12 granted only sparingly. Consequently, before the CLE Board will consider
13 granting an application for exemption, waiver or modification based upon
14 these grounds, the applicant must establish to the satisfaction of the CLE
15 Board that (1) such condition of undue hardship, age, or disability warrants
16 granting an exemption, waiver, or modification; and (2) the applicant has
17 not been in and will not be engaged in the unsupervised practice of law
18 during the relevant period.

19 An application for exemption, waiver, or modification, including the
20 sworn statement in support thereof, shall be filed for each reporting period
21 and shall be retained in the files of the CLE Board.

22 Individuals granted an exemption, waiver, or modification from the
23 continuing legal education requirements on the above-stated basis may
24 continue to hold the status of active member of the Bar Association. The
25 granting of such an exemption does not, in any way, affect or diminish
26 active member's duties and obligations as established by the bylaws, rules
27 and regulations of the Bar Association or the Supreme Court.

28 Exemptions, waivers, or modification from the continuing legal education
29 requirements may be revoked by the CLE Board upon change in the facts
30 or circumstances upon which such exemption, waiver, or modification was
31 granted.

32 (c) **Judicial Status.** Full-time judges, magistrates, court
33 commissioners, administrative law judges, and members of the judiciary,
34 who are prohibited from practicing law, are exempt from the continuing
35 legal education requirement established by APR 11.

36 Part-time or pro-tem judges who are active members of the Bar
37 Association, are fully subject to the requirements of APR 11.

38 Judges who have been exempt, upon return to active membership status,
39 are fully subject to the continuing legal education requirements during the
40 year in which they return to practice.

41 (d) **Legislative Status.** Members of the Washington State
42 Congressional Delegation and Members of the Washington State
43 Legislature, otherwise subject to the continuing legal education
44 requirements of APR 11 as active members of the Bar Association, are

specifically exempted, during terms of office and while otherwise members in good standing of the Bar Association, from the requirements of APR 11.

This exemption applies only to the members of the Washington State Congressional Delegation, and to members of the Washington State Legislature, under the terms and conditions stated above. The exemption does not extend to active members of the Bar Association: (1) serving in the legislature of any other state; (2) serving in the administrative branch of any state government; or (3) serving on the staff of any member of the Washington State Congressional Delegation or the Washington State Legislature.

(e) **Active members living outside the United States.** Active members of the Bar Association who live or are employed outside the United States are required to comply with the continuing legal education requirements as provided for in Reg. 104(c)(6), or to transfer to inactive status until such time as compliance can be attained.

(f) **Active Military Duty.** Members employed by the military may be granted an exemption, waiver, or modification upon proof of undue hardship.

[Regulation 110 amended effective August 3, 2004]

Regulation 111. Noncompliance: Board Procedures

An active member who has not complied with the educational or reporting requirements of APR 11 and these Regulations by May 1 of each calendar year, may be ordered suspended from the practice of law by the Supreme Court pending compliance with APR 11.

To effect such removal, the CLE Board shall send to the non-complying active member, by certified mail directed to the member's last known address as maintained on the records of the Washington State Bar Association, a written notice of non-compliance advising such active member of the pendency of suspension proceedings unless within ten (10) days of receipt of such notice such active member completes and returns to the CLE Board an accompanying form of petition, which may itself be accompanied by supportive affidavit(s), in support of a request for extension of time for, or waiver of, compliance with the requirements of APR 11 and these Regulations or for a ruling by the CLE Board of substantial compliance with said requirements.

(a) If such petition is not so filed, such lack of action shall be deemed acquiescence by the active member in the finding of non-compliance. The CLE Board shall, pursuant to APR 11.6(c)(1), report such fact to the Supreme Court with the CLE Board's recommendations for appropriate action. The Supreme Court shall enter such order as it deems appropriate.

(b) If such petition be so filed, the CLE Board may, in its discretion, approve the same without hearing, or may enter into an agreement on

1 terms with such active member as to time and other requirements for
2 achieving compliance with APR 11 and these Regulations.

3 (c) If the CLE Board does not so approve such petition or enter into
4 such agreement, the CLE Board shall hold a hearing upon the petition and
5 shall give the active member at least ten (10) days notice of the time and
6 place thereof. Such hearing shall be conducted in accordance with APR
7 11.6(c)(3). At the discretion of the chairperson, the hearing may be held
8 before the entire Board or before a committee thereof. A full stenographic
9 or tape record of the hearing may be taken at the request and expense of
10 the active member affected. Testimony taken at the hearing shall be
11 under oath and the oath shall be administered by the chairperson. The
12 CLE Board or committee thereof may admit any relevant evidence,
13 including hearsay evidence. As to each such petition and hearing, the
14 CLE Board or committee thereof shall enter written findings of fact and an
15 appropriate order, a copy of which shall be transmitted by certified mail to
16 the active member affected at the address of such member on file with the
17 Washington State Bar Association. Any such order shall be final and, in
18 case of an adverse determination, shall be transmitted to the Supreme
19 Court unless within ten (10) days from the date thereof the active member
20 shall file a written appeal of the CLE Board's decision to the Supreme
21 Court.

22 [Regulation 111 amended effective May 2, 2000.]

23 **Regulation 112. Appeal**

24 (a) **Appeal to Supreme Court.** An adverse decision of the CLE Board
25 may be appealed, by the active member affected, to the Supreme Court in
26 accordance with the applicable provisions of APR 11.6. As to such
27 appeals, the CLE Board shall be represented by its chairperson, such
28 other member of the CLE Board as shall be designated by the
29 chairperson, or by the Executive Secretary, or other counsel designated
30 by the chairperson.

31 [Regulation 112 amended effective May 2, 2000.]

32 **Regulation 113. Reinstatement of Members Who Voluntarily Transferred 33 to Inactive Status**

34 (a) A person who transferred to inactive status while in full compliance
35 with APR 11 and who desires reinstatement to active status must comply
36 with the applicable bylaws and procedures of the Washington State Bar
37 Association pertaining to such change of membership status, including the
38 filing of an application with the Board of Governors of the Bar Association
39 in such form as is prescribed by the Board of Governors. The Board of
40 Governors shall determine whether such application shall be granted and
41 compliance with APR 11 and these Regulations is only one factor
42 pertaining to such determination. Upon reinstatement to active status, if
43 the person missed a reporting period during the time he or she was on
44 inactive status, the person must report 15.00 credit hours per year since
45 the person last reported credits.

46 (b) An active member who voluntarily transfers to inactive status when
47 he or she has not complied with APR 11 and its Regulations, must make

1 up any deficiency remaining at the time of the transfer to inactive status,
2 complete an additional 15.00 credit hours for each year following the
3 transfer to inactive status, and fully comply with the provisions of APR 11
4 and these Regulations before he or she can be reinstated as an active
5 member.

6 (1) Upon compliance with the immediately preceding provision of this
7 Regulation, the CLE Board shall notify the Board of Governors of the
8 Bar Association that the inactive member has satisfied the minimum
9 continuing legal education requirements of APR 11 and these
10 Regulations. A copy of that notification shall be sent to the inactive
11 member.

12 (2) Once notification of compliance has been received, the inactive
13 member may seek reinstatement pursuant to Regulation 114(a).

14 (c) A person who has been transferred from inactive to active status by
15 the Board of Governors shall, immediately upon transfer, be subject to the
16 provisions of APR 11 and these Regulations as any other active member
17 of the Bar Association.

18 (d) The reinstated member retains the original reporting period to
19 which he or she was initially admitted to the Bar Association.

20 (e) An inactive member who is reinstated to active status in the second
21 or third year of the member's assigned group reporting period will be
22 required to report 15.00 credits per year of active status within the
23 reporting period, i.e. second year reinstatement - 30.00 credits; third year
24 reinstatement - 15.00 credits. These credits must be reported at the end
25 of the reporting period.

26 [Regulation 113 amended effective May 2, 2000.]

27 **Regulation 114. Reinstatement of Members Suspended from Practice**
28 **for Failure to Comply with APR 11**

29 (a) An active member who, pursuant to APR 11.6(c) - (g), Regulation
30 112 or 113, is suspended from practice for failure to comply with APR 11
31 and its Regulations, must make up the deficiency and fully comply with the
32 provisions APR 11 and these Regulations before he or she can be
33 reinstated as an active member.

34 (b) Once a suspended member has complied with the immediately
35 preceding provisions of this Regulation, the Board shall notify the
36 Supreme Court that the suspended member has satisfied the
37 requirements of APR 11 and these Regulations. A copy of that notification
38 shall be sent to the suspended member.

39 (c) Once the Supreme Court has reinstated the suspended member,
40 the reinstated member shall be subject to all provisions of APR 11 and its
41 regulations and retains the original reporting period to which he or she
42 was initially admitted to the Bar.

1 (d) A suspended member who is reinstated to active status in the
2 second or third year of the member's assigned group reporting period will
3 be required to report 15.00 credits per year of active status within the
reporting period, i.e. second year reinstatement - 30.00 credits; third year
reinstatement - 15.00 credits. These credits must be reported at the end
of the reporting period.
[Regulation 114 amended effective May 2, 2000.]

4 **Regulation 115. Rulemaking Authority**

5 The CLE Board, subject to the approval of the Board of Governors and the
6 Supreme Court, has continuing authority to make Regulations consistent
with APR 11 in furtherance of the development of continuing legal
7 education for Washington attorneys and the regulation thereof. The CLE
Board may adopt policies, consistent with these regulations, to provide
8 guidance in the administration of these regulations and APR 11. The CLE
Board will notify the Board of Governors of any policies which it adopts.
9 The Board of Governors will review any such policies at their next
regularly scheduled meeting. Unless the Board of Governors objects,
such policy will become effective 60 days after promulgation by the CLE
[Regulation 115 amended effective May 2, 2000.]

10 **Regulation 116. Confidentiality**

11 The files and records of the CLE Board, as they may relate to or arise out
12 of any failure of a member of the Washington State Bar Association to
satisfy the continuing legal education requirements of APR 11 and these
13 Regulations, shall be deemed confidential and shall not be disclosed
except in furtherance of the CLE Board's duties, or upon the request of the
member affected, or pursuant to a proper subpoena duces tecum, or as
14 directed by the Supreme Court.
[Regulation 116 amended effective May 2, 2000.]

15 **Regulation 117. Out-of-state Compliance**

16 (a) An active member whose principal office for the practice of law is
not in the State of Washington may comply with these rules by filing a
17 compliance report as required by APR 11.6(b) in which the member
certifies that the member is subject to the CLE Requirements of that
18 jurisdiction and that the member has complied with the CLE Requirements
of that jurisdiction during the member's reporting period, provided that the
CLE Board has determined that the requirements established by these
19 rule are substantially met by the requirements of the other jurisdiction.

20 (b) The CLE Board has determined that the Continuing Legal
Education requirements in Washington are substantially met by the
Continuing Legal Education requirements of the following other
21 jurisdictions: Oregon, Idaho, and Utah.

22 [Regulation 117 amended effective May 2, 2000.]

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